PRINCE EDWARD ISLAND

PAY EQUITY

DEPARTMENT OF LABOUR

90-04298/1

March 9, 1990.

The Honourable Lloyd G. MacPhail
Lieutenant Governor of the
Province of Prince Edward Island

May It Please Your Honour:

The Pay Equity Act, Part II, Section 5(6) requires "The Minister shall lay a copy of any report submitted under clause (2)(c) before the Legislative Assembly within fifteen days after it is submitted to her, or if the Legislative Assembly is not then sitting, within fifteen days of the opening of the next session of the Legislative Assembly."

I have the honour to submit herewith the Second Report of the Pay Equity Bureau for the operating period April 1, 1989 to September 30, 1989.

I have the honour to be, Sir,

Your Obedient Servant,

Roberta Hubley
Minister of Labour

September 30, 1989.

To The Honourable Roberta Hubley
Minister of Labour
Province of Prince Edward Island
Charlottetown, PEI

Madam;

It is with distinct privilege and in accordance with requirements of the Pay Equity Act Part II, Section 5(2)(c) that I submit to you the second report of the Pay Equity Bureau for the six month operating period of April 1, 1989 to September 30, 1989.

Respectfully,

Faye Martin-Birt

Faye Martin-Birt
Commissioner of Pay Equity

PAY EQUITY BUREAU

A Report Covering the Period April 1, 1989 to September 30, 1989.

Faye Martin-Birt
Commissioner of Pay Equity

PAY EQUITY ACT

Implementation Stages of Pay Equity

CIVIL SERVICE

Date of Proclamation of the Pay Equity Act	Section 14 (1)(a)(i)(ii)	Section 14 (1)(a)(i)(ii)	Sec. 14 2)(a)(b	Sec. 14(3) & Sec. 10
3 Months	9 Months	12 Months	3 Months	1-2-3-4-5 Years
STAGE I		STAGE II	STAGE III	STAGE IV *

PUBLIC SECTOR EMPLOYEES OUTSIDE THE CIVIL SERVICE

	Section 14 (1)(a)(i)(ii)	Section 14 (1)(b)(c)(H(II)	Sec. 14(2) (a)(b)	Section 14(3) & Section 10
15 Months	9 Months	12 Months	3 Months	1-2-3-4-5 Years
	STAGE I	STAGE II	STAGE III	STAGE IV *

* NOTE: The number of years it takes to achieve Pay Equity is determined via the negotiating process and is impacted upon by Section 10.

FOREWORD

The Pay Equity Act proclaimed on October 1, 1988, designated the Pay Equity Bureau to administer the Act. As set out in the legislation, the Bureau's mandate is to:

- provide information to any person concerned with pay equity and provide assistance to public sector employers, employees and the appropriate bargaining agents in implementing pay equity;
- monitor the progress of public sector employers in the implementation of pay equity;
- submit to the Minister at least once in every six months a detailed report setting out the progress in the implementation of pay equity;
- prepare and maintain statistics relating to pay equity;
- prepare and disseminate educational material relating to pay equity;
- initiate and oversee the negotiations required to be undertaken by the public sector employer and the appropriate bargaining agents;
- receive and process complaints that a public sector employer has failed to comply with this Act;
- perform such other duties as the Minister may determine.

The Commissioner of Pay Equity as the Chief Administrator of the Bureau and the Senior Advocate on behalf of the Pay Equity Act is responsible for ensuring compliance with the legislation through:

- providing assistance and education on matters relevant to pay equity
- initiating and monitoring the pay equity process
- providing statistical and educational information
- requesting from the parties any reports, plans and information that the Commissioner believes necessary for monitoring the implementation of pay equity.

In order for the Bureau to carry out its investigative functions, the Commissioner and the Pay Equity Officers may summon witnesses, require the production of documents, administer oaths, have access to places of employment and employees within, as well as issue orders or directions to ensure compliance with the requirements of the Act.

THE PAY EQUITY BUREAU

The present human resource complement of the Pay Equity Bureau is four full-time positions which are as follows (pursuant to the Civil Service Act RSPEI 1988, Cap. C-8)

Commissioner of Pay Equity	-	Faye Martin-Birt
Pay Equity Officer	-	Glenda Rodd
Pay Equity Officer	-	Frances Piercey
(who received appointment effective June 19, 1989.)		
Secretary	-	Dawn Cahill

The Bureau continues to facilitate and closely monitor the pay equity implementation processes which commenced in January 1989 in the following public sector establishments:

The Government of Prince Edward Island
The Georgetown Shipyards Inc.
The Prince Edward Island Grain Elevators Corporation
The Prince Edward Island Development Agency

As well, during this reporting period, the Bureau has developed strategies and materials for providing information and education to the sixteen broader public sector workplaces required to commence pay equity negotiations in January 1990. Additional on-going activities will be addressed throughout this report.

The Pay Equity Bureau sees the primary objective of pay equity legislation in Prince Edward Island as enabling pay equity to be achieved expeditiously and fairly to all parties concerned. The Pay Equity Act is structured to enable public and broader public sector employers and employee representatives to achieve pay equity through a process of negotiations focused upon problem solving and consensus building. The thrust of administering the process will therefore remain, wherever possible, in the hands of the parties themselves. The Bureau will respond to requests for technical advice and guidance where it is appropriately within its mandate to do so.

The Bureau will continue to affirm the Pay Equity Act as remedial anti-discrimination legislation and, as such, the Commissioner of Pay Equity will interpret and apply its provisions broadly to give effect to the implementation, achievement and maintenance of pay equity in the public and broader public sectors of Prince Edward Island.

PROGRESS REPORT - PAY EQUITY

Monitoring

During this reporting period and in keeping with the requirements of the Pay Equity Act, the Pay Equity Bureau has monitored the progress of pay equity discussions in the following public sector establishments required to negotiate Stage I of pay equity implementation during the period January 1, 1989 to September 30, 1989.

The Government of Prince Edward Island
The Georgetown Shipyards Inc.
The Prince Edward Island Grain Elevators Corporation
The Prince Edward Island Development Agency

The Commissioner of Pay Equity has designated a Pay Equity Officer to be present at all meetings, whenever possible, in order to oversee the deliberations.

The Pay Equity Act outlines a four-stage phased-in implementation process necessary for the achievement of pay equity in the Province's public and broader public sector workplaces. Stage I of this process is nine months in duration and requires that each public sector employer and the appropriate bargaining agents/employee representatives must reach an agreement respecting;

(i) the development or selection of a single gender neutral job evaluation plan or system in which skill, effort, responsibility and working conditions are considered in the assessment of relative value and;

(ii) the identification of all classifications which are sixty percent male or female dominant.

The Pay Equity Act requires that each public sector employer undertake the following activities:

- meet and negotiate with the appropriate bargaining agents and/or employee representatives
- disclose all information relevant to the implementation of pay equity
- bargain in good faith in making every reasonable effort to reach agreements respecting the implementation of pay equity.

Appropriate bargaining agents/employee representatives are required by the Act to bargain in good faith and make every reasonable effort to reach agreement with the public sector employer.

(It must be noted that the agreements and the process referred to in the Act are conducted separate and distinct from those discussions undertaken for the purpose of concluding a collective agreement.)

The Pay Equity Act Section 14(4) requires that the agreements reached by the parties during Stage I be filed with the Commissioner of Pay Equity. The legislated deadline for filing of the agreements is September 30, 1989 (nine months following the January 1, 1989 commencement of negotiations). In the absence of such agreements, the Act indicates a dispute(s) resolution mechanism appropriate for the nature of the disagreement.

In each of the four establishments previously identified, joint employer/employee committees were established and were successful in meeting the objectives of Stage I of the pay equity process. In each establishment, numerous meetings were held in order to develop terms of reference both for the joint committee(s) and for the selection of the gender neutral job evaluation system or plan. As well, each committee jointly reviewed the variety of positions and/or classes within their respective organizations in order to determine the sixty percent female dominant and the sixty percent male dominant classes for which evaluation is required.

Each of the establishments signed and filed their individual agreements with the Commissioner of Pay Equity in a timely fashion indicating the objectives of Stage I had been met.

The Commissioner accepted the agreements as filed by:

The Government of Prince Edward Island
The Prince Edward Island Development Agency
The Prince Edward Island Grain Elevators Corporation

The Commissioner deferred accepting the agreement as filed by the Georgetown Shipyards Inc., pending further information regarding the identification of "classes" subject to the requirements of the Pay Equity Act.

INFORMATION DISSEMINATION

Education/Training

In keeping with its role of facilitating the pay equity process and of providing information to those parties/persons concerned with pay equity, the Pay Equity Bureau continues to conduct education workshops and information sessions. These workshops/sessions are well attended by representatives of management(s), union(s) and non-unionized or excluded employees.

During the reporting period, the following organizations requested/required presentations from the Pay Equity Bureau:

- Georgetown Shipyards Inc.	- Job Evaluation
- Assoc. of Nurses of P.E.I. Prince County Chapter	- General Information Session
Queen's County Chapter	- General Information Session
King's County Chapter	- General Information Session
- Assoc. of Nurses of P.E.I. Annual Meeting	- General Information Session
- International Union of Operating Engineers (Local 1492)	- Job Evaluation
- Holland College - Summerside Center	- General Information Session
- C.U.P.E - Provincial Pay Equity Workshop	- General Information Session
- Home Care & Support - Dept. of Health & Social Services	- General Information Session
- Provincial Library Employees - Department of Education	- General Information Session
- Charlottetown Area Development Corporation	- Pay Equity Concept
- Charlottetown Area Development Corporation	- Legislative Requirements
- Summerside Waterfront Development Corporation	- Pay Equity Concept
- Summerside Waterfront Development Corporation	- Legislative Requirements
- National Federation of Nurses' Union Labour School	- Pay Equity Concept
- National Federation of Nurses' Union Labour School	- Job Evaluation

Also, in preparation for the broader public sector (sixteen establishments) to commence pay equity negotiations in January 1990, a schedule of training seminars was developed prior to September 30, 1990. As per this strategy, representatives from management(s), union(s)/association(s), non-unionized and excluded employees would receive training regarding the requirements of the Pay Equity Act as well as the principles and methodologies involved in job evaluation. The schedule outlines approximately twenty days of training during the period October 1, 1989 - December 15, 1989.

PUBLICATIONS

In order to provide information and instruction to the parties involved in the pay equity process and to the public at large, during the reporting period, the Pay Equity Bureau has:

- published the information newsletter
  "The Equal Times"
- published a comprehensive series of pamphlets addressing many facets of the pay equity concept and implementation. The seven pamphlets, released during the period April 1, 1989 to September 30, 1989, were entitled as follows:
  - Pay Equity
  - Why a Pay Equity Bureau for Prince Edward Island?
  - Highlights of the Pay Equity Act
  - The Job Evaluation Committee - What You Should Know
  - Quality Assurance
  - Narrowing the "Gap" Part I
  - Narrowing the "Gap" Part II

These materials were distributed to a mailing list comprised of approximately two hundred and sixty organizations and individuals directly or indirectly involved in pay equity implementation in Prince Edward Island, in other Canadian jurisdictions (Provincial and Federal) and in the United States of America.

INTERGOVERNMENTAL CONFERENCE ON PAY EQUITY

June 28-29, 1989

The first Intergovernmental Conference on Pay Equity (ICPE) was convened by the Ontario Pay Equity Commission on June 28 and 29, 1989 at Hart House, University of Toronto.

The intent of the conference was to provide a forum for information exchange amongst invitees from agencies responsible for implementing or addressing pay equity in provincial and federal jurisdictions. Plenary discussions focused on such topics as status reports, inter-jurisdictional cooperation, and joint research projects.

Information/Education topics covered were:

Job Evaluation and Comparison Systems
Developing Support for Pay Equity
Research Ideas
Communicating Pay Equity
Legal Issues
Pay Equity Issues: Problems and Solutions
Strategies to Deal with Non-Compliance

Participants attended from both Provincial and Federal Governments and were as follows:

- Prince Edward Island (3)
  - Deputy Minister of Labour
  - Commissioner of Pay Equity
  - Pay Equity Officer
- Alberta (2)
  - Senior Manager, Classifications Branch
    Alberta Personnel Administration Office
  - Senior Research Officer
    Alberta Women's Secretariat
- British Columbia (1)
  - Director, Policy and Legislation
    Ministry of Labour and Consumer Services
- New Brunswick (2)
  - Director, Pay Equity Bureau
  - Executive Director, New Brunswick Public Employees Association
- Newfoundland and Labrador (2)
  - Assistant Secretary of Treasury Board, Personnel
  - Co-Chair, Pay Equity Steering Committee, Treasury Secretariat
- Nova Scotia (2)
  - Chairperson, Pay Equity Commission
  - A/Executive Director, Pay Equity Commission

- Ontario (14)
    - Commissioner, Pay Equity Commission
    - Research Manager, Pay Equity Commission
    - Legal Counsel, Pay Equity Commission
    - Education Coordinator, Pay Equity Commission
    - Communications Coordinator, Pay Equity Commission
    - Information and Education Supervisor, Pay Equity Commission
    - Senior Policy Advisor, Pay Equity Commission
    - A/General Manager, Operations, Pay Equity Commission
    - Director, Review Services, Pay Equity Commission
    - Chairperson, Pay Equity Tribunal
    - Vice-Chairperson, Pay Equity Tribunal
    - Member (2), Pay Equity Tribunal
- Quebec (2)
    - Quebec Human Rights Commission representatives
- Saskatchewan (1)
    - Director of Classification, Public Service Commission
- Federal (4)
    - Director, Employment and Pay Equity Branch, Canadian Human Rights Commission
    - Chief, Pay Equity Section, Canadian Human Rights Commission
    - Head, Equal Pay Division, Labour Canada
    - Chief, Programme Developing and Marketing, Labour Canada

The Conference was assessed as serving a very useful purpose and, as such, it was the wish of the participants to continue meeting on an annual basis. The Prince Edward Island Pay Equity Bureau was requested to host the 1990 conference and agreed to do so. Consequently, the second annual Intergovernmental Conference on Pay Equity will be held June 19-22, 1990 in Charlottetown, PEI.

CONCLUSION

This second report of the Pay Equity Bureau to the Minister of Labour indicates that all parties continue to demonstrate commitment to the objective of the Pay Equity Act, the elimination of gender-based wage discrimination in public sector workplaces.